

## INTERIM CULTURAL RESOURCES REVIEW INSTRUCTIONS

December 28, 2000  
(Updated May 2007)

The following items must be followed by NRCS personnel and their partners to meet the cultural resources requirements for conservation planning and application. This information is derived from the draft State Level Agreement (SLA) with the Pennsylvania Historical and Museum Commission.

- 1) Eight Module Training - NRCS Field Office personnel and partners who have completed the eight module NRCS Cultural Resources Training are qualified to perform cultural resources reviews and field inspections for undertakings that are limited in scope to lands owned, controlled, or managed by three or fewer unrelated families and for undertakings in which no known complex, dense or deeply buried cultural resources exist (as determined by NRCS) within the proposed areas of potential effect (APE). These requirements shall apply to Conservation District personnel and other partners who are involved with planning and implementation of NRCS assisted conservation practices.
- 2) Undertakings with the Potential to Effect Cultural Resources – “Classification of Conservation Practices Effects on Cultural Resources” will be used to determine rating. Backhoe test pits and other large excavations that may be conducted as part of soil survey and other similar activities are also considered to be undertakings with the potential to effect.
- 3) Area of Potential Effect (APE) is the geographic area or areas within which an undertaking may cause changes in the character or use of historic properties, if such properties exist. These effects may be direct or indirect.
- 4) Public Consultation – “NRCS will ensure that consultation is conducted with appropriate individuals and groups, depending on the size and nature of the undertaking. On individual farm practices this will be the landowner, any partners involved and any other individual or group who expresses interest in any particular undertaking.” This does not mean that NRCS should search out other individuals or groups.
- 5) Artifacts - All artifacts are the property of the landowner. Collection of artifacts will only be at the landowner’s written consent. Persons conducting cultural resource reviews will not collect artifacts while on official duty, except when directed by a Cultural Resource Specialist (CRS) and shall use cultural resources information gained on the job only for official purposes or

professional study. A log of those artifacts collected will be maintained. Upon completion of investigations and studies, all artifacts shall be returned to the owner. **It is a violation of state law to collect artifacts from state lands and a violation of federal law to collect artifacts from Federal lands.**

- 6) Avoidance – If a cultural resource is encountered during normal planning for NRCS assistance activities, its boundaries and applicable means of avoidance will be determined by NRCS personnel. In all cases, a 25 foot buffer will be established around all known archaeological site boundaries.
- 7) Cultural Resources Review Worksheet (CRRW) – Complete a CRRW for all planned conservation practices that are classified as “undertakings with the potential to effect cultural resources”. These include all conservation practices rated G (ground disturbing) and some rated PG (potentially ground disturbing) in the “Classification of Conservation Practice Effects on Cultural Resources.” Also complete CRRW for backhoe test pits and other large excavations.

A. Complete ALL sections of the CRRW.

B. In the Program section show the appropriate NRCS assisted program (CTA, EQIP, CRP, PL83-566, etc).

C. Under “Undertakings Reviewed that have the Potential to Effect Cultural Resources” show the name and practice code of each conservation practice being evaluated (Undertakings Reviewed); the number, feet, square feet, acres or other indicator of size of each practice to be implemented (Size of Undertakings); and the acres of each conservation practice to be implemented (Acres of Undertakings Reviewed). Show Total Number of Undertakings Reviewed and Total Acres Reviewed.

D. Under “PRS Reporting Data for Above Undertakings”, show the number and acres of Investigations Conducted (an investigation applies to the area investigated not the number of times the site was visited). Generally there will be one investigation per conservation practice system or group of practices in a similar geographic context. The Acres of Investigation Conducted must equal or exceed the Acres of Undertakings Reviewed.

Also show the Number and Acres of potential cultural resource Sites Identified. Enter zeros if none.

E. Under “Treatment Type”, mark “Not Applicable” if there are no cultural resources Sites Identified. “None” applies to no treatment planned even though a cultural resources Site exists. An example of “Other” may be “photo documentation” of an old barn/farmstead.

- F. Under “Areas Investigated”, provide the requested information for each area of undertakings that differs in landform, slope, proximity to stream or other factors. Indicate beside “Which Undertakings?” the conservation practices that the information applies to.
  - G. Provide the requested information and descriptions for known “Cultural Resources” near the undertaking and “Rock Outcrops, Previous Disturbance and Buildings and other structures” within the APE.
  - H. Under “How did you acquire this information?” be sure to complete all that apply, but the following as a minimum:
    - a. National Register of Historic Places
    - b. Recollections from landusers, if practicable
    - c. Visual clues
  - I. CRRW must be completed by and signed by someone that has completed the 8 module Cultural Resources training.
  - J. All completed CRRWs must be sent to the NRCS Cultural Resources Coordinator (CRC). E-mail is preferred, but fax and mail are acceptable.
- 8) Environmental Evaluation Worksheet (EE Worksheet) – Use the EE Worksheet (CPA-52 substitute form) under Special Environmental Concerns, Cultural Resources to document all cultural resources reviews for conservation practices rated as NG (not ground disturbing) and those PG rated practices that are non-intrusive. Just state that these practices are undertakings that do not have the potential to effect cultural resources. Otherwise reference the CRRW on the EE Worksheet
- 9) Potential National Register Eligible Cultural Resources Present or the Potential for Deeply Buried Cultural Resources Exist in the APE.
- A. Field personnel will notify the NRCS Cultural Resources Coordinator (CRC). The CRC will review the information and discuss practice alternatives with the Field personnel in lieu of a survey by a Cultural Resources Specialist (CRS).
  - B. If the cultural resource site can be avoided or a non-ground disturbing practice can be installed, the Field Office documents this action and proceeds with assistance.
  - C. If no feasible alternative can be found, the CRC will arrange for CRS to proceed with a survey (Phase I Survey).

- D. If the Phase I Survey uncovers sufficient evidence that a National Register Eligible Site may exist and the practice cannot be modified or moved to avoid impacts, then a Phase 2 survey will be needed to proceed. NRCS may provide this service if a CRS is available or if funding is available to contract for the services. If the landowner does not wish NRCS to proceed according to policy, then NRCS will withdraw assistance related to the undertaking.
- E. If a CRS or NRCS funding is not available for the Phase 2 survey, then:
  - a. The CRC will obtain a cost and time estimate for additional surveys that may be needed.
  - b. Field personnel will work with the landowner to determine if they are willing to fund the survey.
  - c. NRCS assistance cannot proceed until the survey is completed.
- F. If the landowner decides to proceed, then the CRC will arrange to have a CRS conduct a Survey.
- G. If the CRS determines that cultural resources in the APE may be potentially eligible for inclusion in the National Register of Historic Places (NRHP), then a CRS will conduct a formal evaluation of the site through a testing program in accordance with State Historic Preservation Officer (SHPO) guidelines (Phase 3 Survey).
- H. If testing determines the cultural resource is not eligible for inclusion in the NRHP, and the SHPO concurs, or if the SHPO does not respond within 30 days, then NRCS has met its Section 106 obligations and the assistance will proceed.
- I. If the cultural resource is determined eligible for the NRHP and cannot be avoided, then the NRCS, in consultation with the SHPO, shall develop a plan to mitigate any adverse effects upon the resource. Details and conditions of the mitigation plan will be specified in a MOA developed by the NRCS and signed by the NRCS, the SHPO, the ACHP, and any other interested parties.

**The preferred mitigation option is to avoid any disturbance of the cultural resource by relocating or redesigning the practice.**

- J. After the MOA is signed and the mitigation plan is executed, the assistance can proceed.

10) Human Remains – “If human remains are discovered in the APE during planning or implementation of a conservation practice, all activities deemed likely to damage the remains will cease and the following steps will be taken:

- A. Pennsylvania State Police will be contacted immediately by NRCS personnel to determine whether the remains are part of an ongoing investigation.
- B. The NRCS Cultural Resources Specialist (CRS) or Cultural Resources Coordinator (CRC) and the SHPO will be notified in writing (e-mail, fax) and by telephone of the discovery and will participate in all subsequent discussions.
- C. A qualified CRS will be retained by NRCS to determine the ethnicity and approximate age of the remains, if possible.
- D. If the remains are determined to be of American Indian extraction, NRCS will follow the procedures outlined in Section 3 of the Native American Graves Protection and Repatriation Act (NAGPRA, 25 U.S.C. 3001).
- E. If the remains are not part of an ongoing police investigation and are not of American Indian extraction, the NRCS will consult with the SHPO in the development of a plan for appropriate treatment and disposition of the remains.
- F. NRCS field personnel and the client will take appropriate measures, such as erecting fencing or barriers, to protect the remains until the treatment plan is developed.
- G. Planning and construction activities at the site may commence only after NRCS and the SHPO agree that the treatment has been completed in accordance with the specific plan.”

11) Unanticipated Discoveries – If previously unidentified cultural resources (other than human remains and grave goods) are encountered during implementation of a practice, the following procedure will be followed:

- A. Upon discovery, NRCS will immediately cease technical assistance and request that the contractors who are under the control of the cooperator cease working in the immediate vicinity of the discovery. If contractor does not cease operations upon request, all NRCS technical and financial assistance will be terminated.

- B. NRCS field personnel shall notify either the CRC or CRS as soon as practicable. If the CRC/CRS are unavailable, the personnel shall notify the SHPO directly.
- C. The CRC/CRS shall arrange for a field assessment of the discovery (to take place within 48 hours or as soon as practicable) by a NRCS CRS and a representative of the SHPO. A representative of the field office will be part of the field assessment whenever possible.
- D. The CRS will make a recommendation to the SHPO and CRC on the National Register eligibility. The CRC shall keep the field personnel informed about the findings and decisions.

**NOTE:**

**ALL CULTURAL RESOURCES SITE DATA ARE SECURED FILES AND EXEMPT FROM FREEDOM OF INFORMATION ACT** - file in a secured file separate from other planning data.

**CRRWs and other planning data that show no cultural resources exist do not have to be secured since they contain no cultural resources site information.**